

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CENTRAL DIVISION

CIVIL ACTION NO.: 05 CV 40071-FDS

*****)
NANCY SCHWENK, PERSONAL)
REPRESENTATIVE OF THE ESTATE OF)
CHRISTIAN SCHWENK,)
Plaintiff)
)
v.)
)
AUBURN SPORTSPLEX, LLC, DENNIS)
NATOLI, JOHN NATOLI, and PETER)
NATOLI,)
Defendants)

PLAINTIFF'S RULE 26(2) 3 DISCLOSURE

Plaintiff hereby discloses the following witnesses and exhibits expected to be presented at the trial of this matter, pursuant to Rule 26 (2) 3 (A):

(i) Witnesses

Peter Natoli, 406 Treasure Island, Webster, MA

John Natoli, 13 Gilbert Way, Millbury, MA 01527

Dennis Natoli, 370 South Street, Auburn, MA 01501

Joseph R. Teixeira – Unknown

James W. Vail –12 Magill Avenue, Grafton Ma 01519.

Auburn Sportsplex's accountant, Steven Richer

Nancy Schwenk, 1022 Grove Drive , Naples, FL 34120

(ii) Witnesses via deposition

Christian Schwenk

(iii) Exhibits

1. Ownership Purchase Agreement
2. LLC formation document
3. Unsigned Operating Agreement
4. Minutes
5. Checking account records (produced by defendants to date)
6. Financial spreadsheets (produced by defendants to date)
7. Initial offering materials describing business plan and projected budget, and cover letter.
8. Appointment of Nancy Schwenk as Administratrix (if necessary)
9. Plaintiff's answers to interrogatories
10. Defendant's responses to request to admit
11. Death certificate (if needed)
12. Defendants Federal and State income tax returns (produced by defendants to date)
13. All deposition exhibits.
14. Letter by Paul Linet on behalf of Plaintiff demanding return of investment.
15. Lease agreement with tenant of Auburn Sportsplex
16. Correspondence between Plaintiff and Natolis
17. Certification of non-filing of annual statements (if necessary)
18. Pleadings from Worcester Probate Court re One St. Mark Trust (if necessary)
19. Loan documentation from lenders referenced in financial disclosures (if necessary)
20. Bank account records relative to cash transfers between Auburn Sportsplex and Natoli (if necessary)
21. Records of Auburn Sportsplex's accountant (if necessary)
22. Diagrams and photos of Auburn Sportsplex facilities (from website)
23. Such other records as may be necessary for impeachment

Plaintiff,
By her attorney

s/ Douglas L. Fox
Douglas L. Fox, Esq
BBO#: 176380.
Shumway, Giguere & Fox, PC
19 Cedar Street
Worcester, MA 01609
(508) 756-2323